

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

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| REGINALD HEARD |) | NO. 5:21-CV-00076-EEF-KDM |
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| VERSUS |) | JUDGE ELIZABETH E. FOOTE |
| |) | |
| |) | |
| AMIN CARTER AND |) | MAG. JUDGE KAYLA D. MCCLUSKY |
| USA TRUCKING, INC. |) | |

RESPONSE TO SHOW CAUSE ORDER (DOC. 21)

NOW INTO COURT, through undersigned counsel, comes USA TRUCK, INC., who was misidentified in the *Complaint* (Doc. 1) and elsewhere as “USA Trucking, Inc.,” and who responds to this Court’s *2nd Notice Regarding Corporate Disclosure* of August 4, 2021 (Doc. 21).

Plaintiff, Reginald Heard, filed the captioned *Complaint* in the United States District Court for the Western District of Louisiana against Amin Carter and “USA Trucking, Inc.” on January 12, 2021 alleging bodily injury from a motor vehicle accident that occurred in Bossier Parish on January 15, 2020. (Doc. 1). A summons was issued on January 14, 2021 to “USA Trucking, Inc.” (Doc. 4). On April 6, 2021, Plaintiff filed a Summons Return relative to “USA Trucking, Inc.” purporting to show service by United State Postal Service Certified Mail on CT Corporation on March 8, 2021. (Doc. 7).

On July 15, 2021, Defendant, USA TRUCK, INC., filed a *Rule 12(b)(4) and 12(b)(5) Motion to Dismiss, or, Alternatively, Motion to Quash Service*. (Doc. 8). In Defendant’s *Memorandum in Support* of that Motion, USA TRUCK, INC., acknowledges that the alleged tortfeasor, Amin Carter, was a USA TRUCK, INC. driver who was involved in a motor vehicle

accident with Plaintiff, Reginald Heard, on January 15, 2020. (Doc. 8-1, p. 3). However, as stated throughout Defendant's Motion to Dismiss and Memorandum in Support, Plaintiff misidentified USA TRUCK, INC. as "USA Trucking, Inc." in the *Complaint*. USA TRUCK, INC. does not contest that Plaintiff's error was a misnomer. However, the manner of service, assuming there was any service on "USA Trucking, Inc.," was improper under Louisiana law and the Federal Rules of Civil Procedure. In fact, USA Truck, Inc. did not receive any notice of service at all from its Louisiana registered agent, CT Corporation, until July 26, 2021.

On July 16, 2021, this Court issued a *Notice of Corporate Disclosure Statement Requirement* (Doc. 10.) in which the Court ordered that Defendant file a Corporate Disclosure Statement by July 30, 2021. On July 26, 2021, USA TRUCK, INC. filed a Corporate Disclosure Statement in advance of the Court's deadline. (Doc. 19). The Court issued a *2nd Notice Regarding Corporate Disclosure* on August 4, 2021 (Doc. 21) ordering that "Trent Patrick Roddy, counsel for USA Trucking, Inc. file a written response to show cause by 8/18/2021 why they should not be subject to further action by the court for failing to comply with the previous notice. Counsel may immediately file a corporate disclosure statement in lieu of a response to this notice." On August 4, 2021, USA TRUCK, INC. filed a *Supplemental Corporate Disclosure Statement* (Doc. 22) clarifying that USA TRUCK, INC. was misidentified in the Complaint as "USA Trucking, Inc." and that the correct legal name of the party sought to be made Defendant is USA TRUCK, INC. USA TRUCK, INC. again disclosed that it has no parent corporation or other corporation holding stock in USA Truck, Inc.

Plaintiff has filed a *Motion to Extend Service Deadline and to Correct Misnomer* (Doc. 16) and an *Opposition to (R. Doc. 8) Defendants' Motion to Dismiss, Or, Alternatively, Motion*

To Quash Service (Doc. 18) in which Plaintiff acknowledges that his naming of “USA Trucking, Inc.” was a misnomer.

Fed. R. Civ. P 7.1 requires that a corporate party file a disclosure statement with its first appearance. USA TRUCK, INC. was the proper name of the party who employed Amin Carter on the date of the alleged subject accident and is the proper name of the party sought to be made Defendant in this lawsuit. USA TRUCK, INC. has appeared to file *Motion to Dismiss* (Doc. 8) on July 15, 2021 and, most recently, to file an *Answer to Complaint* (Doc. 23) on August 16, 2021. USA TRUCK, INC. has filed two corporate disclosure statements, on July 26, 2021 (Doc. 19) and on August 4, 2021 (Doc. 22). USA TRUCK, INC. clarified in its most recent Corporate Disclosure Statement (Doc. 22) that “USA Trucking, Inc.” is a misnomer.

To the extent that the Court requires a Corporate Disclosure Statement for a separate company called “USA Trucking, Inc.” then undersigned counsel and USA TRUCK, INC. are unable to comply. The company “USA Trucking, Inc.” is either a fictitious entity or some other unrelated entity who undersigned counsel does not represent and who has never made an appearance in this lawsuit.

Defendant, USA TRUCK, INC. and undersigned counsel, pray that this response be found sufficient and that the Court take no action against USA TRUCK, INC. or undersigned counsel.

Respectfully submitted,

/s/ Trent P. Roddy

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**ATTORNEYS FOR DEFENDANTS,
USA TRUCK, INC. AND AMIN CARTER**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been delivered to all counsel of record, either through the CM/ECF system, depositing a copy of same in the United States mail, first class postage prepaid, by hand delivery or by facsimile transmission, this **18th** day of **August, 2021**, at their last known address of record.

/s/ Trent P. Roddy

TRENT P. RODDY